(4)

Supreme Court, U.S.
FILED
JUN 2 1994
OFFICE OF THE CLERK

No. 93-1260

In The

Supreme Court of the United States

October Term, 1993

UNITED STATES OF AMERICA,

Petitioner,

vs.

ALFONSO LOPEZ, JR.,

Respondent.

On Writ Of Certiorari
From The United States Court Of Appeals
For The Fifth Circuit

BRIEF OF AMICI CURIAE

CHILDREN NOW
PROJECT ON CHILDREN AND VIOLENCE
YOUTH ALIVE
CHILDREN'S LAW OFFICES, INC.

ON BEHALF OF PETITIONER

WILLIAM F. ABRAMS
Counsel of Record
CARL W. CHAMBERLIN
ORRICK, HERRINGTON & SUTCLIFFE
400 Sansome Street
Old Federal Reserve Building
San Francisco, CA 94111-3143
(415) 392-1122
Counsel for Amici Curiae

COCKLE LAW BRIEF PRINTING CO., (800) 225-6964
OR CALL COLLECT (402) 342-2831

55 pp

TABLE OF CONTENTS

Page

I. INTEREST OF AMICI CURIAE..... 1

II. SUMMARY OF ARGUMENT..... 2

III. ARGUMENT..... 3

A. GUNS IN THE SCHOOL: GUN POSSESSION AND GUN-RELATED VIOLENCE IN OUR SCHOOLS..... 5

1. A Gun For Every Classroom..... 5

2. Schoolhouse As Gun Supermarket..... 7

3. Guns At School Mean Death At School..... 8

B. JOHNNY CAN'T READ BECAUSE JANE HAS A GUN: THE EFFECT OF GUN POSSESSION AND GUN-RELATED VIOLENCE ON EDUCATION..... 16

1. Effect Of Violence On Victims, Students, Families And Teachers..... 17

2. Effect Of Guns And Violence On The Classroom And Learning Opportunities.. 21

C. REVERBERATIONS OF VIOLENCE: THE NATIONAL IMPLICATIONS OF GUN POSSESSION AND GUN-RELATED VIOLENCE IN SCHOOLS..... 23

1. The Quality Of Education Has A Direct Relationship To Our Country's Economic Competitiveness..... 23

2. The Quality Of One State's Educational System Affects The Welfare Of Other States Due To The Mobility Of Youth ... 25

TABLE OF CONTENTS – Continued

Page

3. The Medical Costs Of Gun-Related Violence In Schools, Borne Largely By The Federal Government And Taxpayers, Have Interstate Consequences 25

4. The Flow Of Guns Through Interstate Trade and Multistate Gang Activities Affects Interstate Commerce..... 27

IV. CONCLUSION..... 28

TABLE OF AUTHORITIES

Page

CASES

Brown v. Board of Education, 347 U.S. 483, 74 S.Ct. 686 (1954) 16

Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241, 85 S.Ct. 348 (1964) 25

School District of Abington Township, Pennsylvania v. Schempp, 374 U.S. 203, 83 S.Ct. 1560 (1963) 17

United States v. Evans, 928 F.2d 858 (9th Cir. 1991) 26

United States v. Lopez, 3 F.3d 1342 (5th Cir. 1993) ..2, 28

STATUTES

Gun-Free School Zones Act of 1990 18 U.S.C. § 922q 2

SECONDARY AUTHORITIES

Jim Abrams, *From inner cities to rural heartland, violent start to school year*, AP, Sep. 22, 1991 10

Advance Data from Vital and Health Statistics, No. 231, NCHS, Table 3, Ages 5-19 (1993) 3

'Arms Race' in Schools – Students Say They Pack Guns For Protection, The Seattle Times, Mar. 10, 1992, at A1 11

Bastian & Taylor, *School Crime: A National Crime Victimization Survey Report*, U.S. Dep't of Justice (1991) 4

TABLE OF AUTHORITIES – Continued

Page

Jennifer Bjorhus, *Bad Grade Resulted in Rampage?*, Sacramento Bee, Jun. 18, 1993 16

Body count rises in public schools, Chicago Tribune Nov. 24, 1992, at 18 12

California Department of Education, *School Crime in California for the 1988-1989 School Year*, Standard School Crime Reporting Program (Mar. 1990) 7

C.M. Callahan & F.P. Rivara, *Urban High School Youth and Handguns*, 267 JAMA 3038 (1992) 6, 7

Center to Prevent Handgun Violence, *Caught in the Crossfire: A Report on Gun Violence in Our Nation's Schools* (Sept. 1990).....6, 8

Tom Coakley, *School nurse is shot, killed*, The Boston Globe, Apr. 15, 1993, at 1 16

Christopher Coldough, Educ. Dept., *Primary Schooling and Economic Development: A Review of the Evidence*, World Bank Staff Working Paper No. 399 (1980)..... 24

Circuit Court for Baltimore City, *Grand Jury Report on Juveniles & Firearms* (1987) 6

John C. Ensslin, *Denver's Gang Arsenal*, Rocky Mountain News, March 13, 1994, at F20A..... 27

Epidemiologic Changes in Gunshot Wounds in Washington DC, 1983-1990, 127 Archives of Surgery 694-98 (1992) 26, 27

Everyone Should Be Scared, Los Angeles Times, Sept. 26, 1993, at E1..... 4

TABLE OF AUTHORITIES – Continued

Page

Fatal Injuries to Children – United States, 1986, 8 JAMA 264 (1990) 3

4 dead after standoff with gunman at California school, Chicago Tribune, May 2, 1992, at 16 16

L.A. Fingerhut, *Firearm Mortality Among Children, Youth and Young Adults 1-34 Years of Age, Trends and Current Status: United States, 1986-90* 3

Firearm Violence and Public Health; Limiting the Availability of Guns, 271 JAMA 1281-83 (1994) 28

Gregory Freeman, *Guns in School: Deadly Issue*, St. Louis Post-Dispatch, Nov. 27, 1992, at 1E 7

L.N. Freeman, *et al., Violent Events Reported By Normal School-aged Children: Characteristics and Depression Correlates*, 32 J. Am. Acad. Child Adolescent Psychiatry 419-23 (1993) 23

Mitch Gelman, *Boy, 15 Killed; Teen Arrested . . .*, Newsday, Dec. 21, 1990, at 6 10

Maria Greene, *Safe or Scary?*, The Dallas Morning News, May 30, 1993, at 6 12

Wadi D. Haddad, *et al., Education and Development: Evidence for New Priorities*, World Bank Discussion Papers 3 (1990) 23

Kristin A. Hansen, Bureau of the Census, *Geographical Mobility: March 1991 to March 1992* (1993) 25

Donna Harrington-Lueker, *The American School Board Journal* (May 1992) 26

Hearings Before the Subcomm. on Crime and Criminal Justice House Comm. on the Judiciary, 101st Cong., 1st Sess., 650-51 (1991) 7

TABLE OF AUTHORITIES – Continued

Page

It's Not Just New York, Newsweek, Mar. 9, 1992, at 25 10

Dale Jorgenson, *The Contribution of Education to U.S. Economic Growth, 1948-73 in Education and Economic Productivity* (Edwin Dean ed. 1984) 24

Tracey Kaplan, *Fatal Shooting At School Prompts Project To Spread Anti-Weapons Message*, Los Angeles Times, June 5, 1993, at B4 18

M. Lalli & L. Savitz, *Delinquency and City Life, Washington, D.C.*; National Institute of Law Enforcement and Criminal Justice, U.S. Department of Justice, (1972) 21

Erik Larson, *The Story Of A Gun*, The Atlantic, Jan. 1993, at 48 9

Mass murder court case delayed, UPI, Sept. 28, 1992 16

National Institute of Education, *Violent Schools – Safe Schools: The Safe School Study Report to the Congress*, (1978) 4

National School Safety Center, *Safe Schools Overview, NSSC Resource Paper*, 3 (Feb., 1986) 20

Edna Negron, *400 Students want out of Jefferson HS*, Newsday, Feb. 28, 1992, at 2 18

1990 Murder Toll – Initial Projections for the Use of the Comm. on the Judiciary, 101st Cong., 2d Sess. (1990) 3

Earnest L. Perry, *Man shoots wife, self on grounds of school*, Houston Chronicle, Nov. 14, 1992, at A33 9

TABLE OF AUTHORITIES – Continued

Page

Richard Price, *Violence "spreading like wildfire"*, USA Today, May 9, 1994, at 1A 3, 15

Brian Reilly, *Security guard shot at Southeast school . . .*, The Washington Times, Jan. 29, 1993, at A1 12

Roll Call of the Dead, People, Jun. 14, 1993, at 50 ..... 11, 12, 13, 16

Leonard Savitz, *Intergenerational Patterns of Fear and Crime, Interim Report to the Office of Juvenile Justice and Delinquency Prevention*, U.S. Department of Justice (1976) 20

Scary Survey on Youths, Guns, The Washington Post, Dec. 13, 1993, at 1A 5, 8

School Security Report, Vol. 9, No. 3 (Jan. 1993) 6

School Violence: Two Ways to Fight Back, Governing 20 (March 1993) 8

John Shanahan, *Two students killed in NYC High School before Mayor's visit*, AP Feb. 26, 1992 11

Sheley, *et al., Gun Related Violence In and Around Inner-City Schools*, American Journal of Diseases of Children, 677 (1992) 19

Elizabeth Shogren, *More Violence Seen in Schools Than 5 Years Ago*, Los Angeles Times, Jan. 6, 1994, at 17 4

Silent Victims, Children Who Witness Violence, JAMA, 1993 21

TABLE OF AUTHORITIES – Continued

Page

Louis C. Solomon, *The Quality of Educ. and Econ. Growth: A Review of the Literature, in* The Quality of Education and Economic Development (Stepeh P. Heyneman & Daphne Siev White eds. 1986) 24

Andrea Stone, *Kids, guns: "It's shoot or be shot"*, USA Today, June 3, 1993, at 1A 14

Students caught in crossfire on nation's school campuses, U.S. Newswire, Nov. 15, 1990 10

Mary Tabor, *A Year Later, Death's Echoes*, New York Times June 24, 1993, at B3 18

The Cost of Hospitalization for Firearm Injuries, 260 JAMA 3048-50 (1988) 26

The National Adolescent Student Health Survey, *A Report on the Health of America's Youth*, Tables 2-29 (1989) 6

The Tragedy in Room 108, U.S. News & World Report, Nov. 8, 1993, at 41 ..... 13, 18

Trends & Issues 1991, Illinois Criminal Justice Information Authority 6

Jackson Toby, *Violence in Schools, Research in Brief*, National Institute of Justice, Dec. 1983, at 3 ..... 17, 20

Trying Harder, The Economist: A Survey of Education, Nov. 21, 1992, at 4 24

U.S. Dep't of Health, Educ. & Welfare, *Violent Schools – Safe Schools: the Safe School Study Report to Congress*, Vol. 1, Washington D.C.; U.S. Government Printing Office (1978) 19

TABLE OF AUTHORITIES – Continued

Page

Violence Policy Center, *Cease Fire* (Feb. 1994) 8

Ivor Wayne & Robert J. Rubel, *Student Fear in Secondary Schools*, 14 The Urban Review 198-199 (1982) 19, 21, 22

Charlie Weaver, *When kids pack a gun instead of a lunch*, Star Tribune, Feb. 10, 1993, at A17 4

When Killers Come to Class, Violence in Schools, U.S. News & World Report, Nov. 8, 1993, at 34 ..... 6, 8, 12, 14, 17, 20

Gordon Witkin, et al., *Kids Who Kill*, U.S. News & World Report, Apr. 8, 1991, at 26 ..... 3, 10, 20, 27

Lorraine Woellert, *Gotham's guns come from Virginia*, The Washington Times, Dec. 30, 1992, at A1 27

Jonathan Yenkin, *Principal Describes Shooting at Middle School*, AP, Apr. 17, 1993 16

Youth Slain In School Gang Fight, Los Angeles Times, Aug. 27, 1990, at P2 9

I. INTEREST OF AMICI CURIAE

Children NOW is a nonpartisan policy and advocacy organization for children, with offices in Oakland, Los Angeles, Sacramento, and Washington, D.C. Children NOW has led efforts that resulted in significant public policy victories for children in California, including the extension of major new health care benefits for over 625,000 at-risk children and important reforms in the child support system. One of Children NOW's primary goals is to promote legislation and support programs that create an environment for children that is safe from the dangers of guns.

The Project on Children and Violence is an association of university faculty and students and the law firm of Orrick, Herrington & Sutcliffe. The Project undertakes multidisciplinary research and analysis of issues pertaining to children and violence to identify key problems and advocate change through the legal system. The Project was founded at Stanford University by students, faculty and alumni from the Department of Sociology, the School of Law, and the Haas Center for Public Service. The Project is entirely separate from Stanford University, which is not involved in these individually determined issues. Part of the information in this brief was collected by the Project.

Youth ALIVE is a non-profit agency based in Oakland, California. Its mission is to reduce violent deaths and injuries to youth, which result primarily from firearms, by providing a public health perspective on firearm availability and violence. Among other things, Youth ALIVE researches and documents the effect of violence on public health, has authored numerous papers and reports on gun violence and the economic impact of firearm injuries, and has provided expert testimony and technical assistance regarding gun violence prevention ordinances.

Children's Law Offices, Inc. represents children in a wide variety of civil and administrative matters directly affecting their rights and welfare. Examples include appellate issues regarding children, juvenile court dependency actions,

mental health and special education matters, disability issues, terminations of parental rights, custody permanency planning and placement disputes. Children's Law Offices is a recognized expert in the fields of special education and the rights of handicapped and abused children. Children's Law Offices serves approximately 250 children per year.

II. SUMMARY OF ARGUMENT

The United States Court of Appeals for the Fifth Circuit held below that Congress had no power to pass a law that is designed to protect children from the carnage caused by guns in the schools of our 50 states. *United States v. Lopez*, 3 F.3d 1342 (5th Cir. 1993). According to the Fifth Circuit, the Gun-Free School Zones Act of 1990, 18 U.S.C. § 922q, violates the Commerce Clause because "the management of education . . . has traditionally been a state charge . . . . " *Id.* at 1366.

The Gun-Free School Zones Act, however, does not regulate education; it regulates the possession of guns in and near schools, an activity that derives from interstate commerce, and directly affects interstate commerce and the national economy in profound ways. When a child in one state is threatened or murdered by a gun at school, it is likely that the gun was imported from another state, and it is certain that the reverberations of such violence affect our state and national economies and our state and national health and welfare systems. There is a clear interstate nexus justifying Congressional regulation.

The purpose of this brief is to provide this Court information compiled from the research of the *amici curiae* that documents the epidemic of gun violence in our nation's schools and its profound effects on commerce among all 50 states. Analysis of the legal issues is left to the Government. The facts recited in this brief should leave no question that Congress could properly forbid persons from bringing instruments of destruction onto our schools as a matter affecting interstate commerce. To hold otherwise would jeopardize the

health, safety and welfare of our children and the ability of this nation to depend on future generations of educated, productive and capable individuals to sustain our system of fundamental rights and freedoms.

Amici curiae support petitioner, the United States of America, and urge reversal of the decision of the Fifth Circuit Court of Appeals.

III. ARGUMENT

In 1990, American teenagers in our 50 states ran the greatest risk of being murdered of any segment of the United States population, and teenagers between the ages of 15 and 19 suffered the greatest increase in murder rates.[1] More youths die on the streets every 100 hours than were killed in 100 hours of groundwar in the Persian Gulf.[2]

Most often, the execution of our children occurs through the barrel of a gun. According to a report by the National Center for Health Statistics, ***in 1990 alone*** nearly 4,200 teenagers were killed by guns.[3] Not including accidental deaths and suicides, 120 American children under the age of 18 are slain by gunfire each month.[4]

---

[1] *1990 Murder Toll – Initial Projections for the Use of the Comm. on the Judiciary*, 101st Cong., 2d Sess. (1990).

[2] Gordon Witkin, *et al., Kids Who Kill*, U.S. News & World Report, Apr. 8, 1991, at 26, citing Louis Sullivan, Secretary of the Department of Health and Human Services.

[3] *See* The Washington Post, Mar. 24, 1993, at A4.

[4] Richard Price, *Violence 'spreading like wildfire'*, USA Today, May 9, 1994, at 1A. From 1986 to 1990, 10,052 children ages 5-19 were murdered with guns in America, and an additional 9,213 died from guns unintentionally or in suicides. L.A. Fingerhut, *Firearm Mortality Among Children, Youth and Young Adults 1-34 Years of Age, Trends and Current Status: United States, 1986-90*, in *Advance Data from Vital and Health Statistics*, No. 231, NCHS, Table 3, Ages 5-19 (1993). In 1986, 61 percent of homicides among boys and 32 percent of homicides among girls involved firearms. *Fatal Injuries to Children – United States, 1986*, 8 JAMA, 264 (1990).

It is critical for our children, and for our society, that schools be a safe haven, providing an environment conducive to the acquisition of skills and values that will prepare them to lead society productively into the future. But that is not the reality today. Across our nation, violent crime in our schools is a deadly epidemic. In a survey conducted by the National School Boards Association, 39 percent of responding urban school districts reported a shooting or knifing in their schools last year, and 23 percent reported drive-by shootings.[5] Our children are the primary targets of this violence. In a 1987 National Adolescent Student Health survey of 11,000 eighth and tenth grade students, 34 percent had been threatened with harm, 14 percent had been robbed and 13 percent were attacked while they were at school or on a school bus during the previous year. In 1989, over 400,000 students aged 12 to 19 were victims of violent crime in or around their schools within the previous six months.[6] In 1991-92, in Los Angeles public schools alone, 383 students were assaulted with a deadly weapon.[7]

Teachers are also victims. In 1987, it was reported to Congress that approximately 5,200 teachers are physically attacked during the year in our nation's secondary schools.[8] According to statistics compiled by the United States Department of Justice, *each day* in the United States 6,250 teachers are threatened with violence and 260 teachers are physically assaulted.[9]

---

[5] Elizabeth Shogren, *More Violence Seen in Schools Than 5 Years Ago*, Los Angeles Times, Jan. 6, 1994, at 17.

[6] Bastian & Taylor, *School Crime: A National Crime Victimization Survey Report*, U.S. Dep't of Justice (1991).

[7] *Everyone Should Be Scared*, Los Angeles Times, Sept. 26, 1993, at E1.

[8] National Institute of Education, *Violent Schools – Safe Schools: The Safe School Study Report to the Congress*, (1978).

[9] Charlie Weaver, *When kids pack a gun instead of a lunch*, Star Tribune, Feb. 10, 1993, at A17.

Our schools have become a primary location for violence against our children. According to the "Teenage Victims" report released in May, 1991, by the Bureau of Justice Statistics, about 37 percent of violent crimes and 81 percent of crimes of theft against younger teenagers occur ***at school***.

There is, of course, no panacea for the violence infecting our schools.[10] But it is beyond argument that the overwhelming presence of guns in our schools has contributed mightily – and mortally – to the violent disruption of the education of our children. Guns and gun violence directly affect education, health care costs, and gun trafficking, each of which has interstate consequences and profoundly and directly affects our national economy.

A. GUNS IN THE SCHOOL: GUN POSSESSION AND GUN-RELATED VIOLENCE IN OUR SCHOOLS.

1. A Gun For Every Classroom.

Kids have guns,[11] and they take them to school for a variety of reasons.[12]

---

[10] *Amici curiae* expressly take no position regarding the propriety of the punishment provided by the Gun-Free School Zones Act, or the means or nature of its enforcement.

[11] A survey by the National Institute of Justice of 1,600 male students in 10 inner-city high schools found that 22 percent owned at least one gun. Over 80 percent of those who had guns had a semi-automatic handgun. *See Numbers tell a grim story,* USA Today, May 9, 1994, at 9A; *Scary Survey on Youths, Guns,* Washington Post, Dec. 13, 1993, at A1.

[12] Most of the students who carry guns to school say that they do so for protection on their way to and from school; younger students are more likely to carry a gun to show off or to intimidate other students. S. Glazer, *Violence in Schools, CQ Researcher.* 1992; 2:787-807. D. Calhoun, N. Gannon, *Students and Guns,* (unpublished survey of 261 Oakland, California junior and senior high school students, on file with the Oakland Gun and Safety Task Force) (1988). In suburban Jefferson Parish, Louisiana, where 21 percent of high schoolers say they have carried a gun in the past

The number of guns in our schoolrooms is staggering. According to the Department of Justice, every single day in this nation 100,000 children take a gun to school.[13] More recent sources show that approximately 270,000 guns are taken to school each day.[14] Each year, some 400,000 boys carry handguns to school.[15]

The percentage of children who bring guns to school is about one per classroom. In a national survey in 1987, one of every 36 tenth grade boys said they had carried a handgun to school in the past year. One in every hundred boys took that gun to school nearly every day.[16]

Gun possession is even more frequent in some areas. A survey of students at 31 Illinois high schools revealed that one in 20 students had carried a gun to school in 1990.[17] In one American city, one out of every 15 eleventh grade boys has carried a handgun to school.[18] Almost half of all male students in Baltimore, Maryland, have carried a handgun.[19]

Gun possession in our schools is rapidly increasing. The number of students suspended for having guns in Memphis, Tennessee schools tripled between 1987 and 1991.[20] The number of guns confiscated in the California public schools

---

year, 73 percent say they did so for protection. *When Killers Come to Class, Violence in Schools*, U.S. News & World Report, Nov. 8, 1993, at 34.

[13] *See* Weaver, *supra.*

[14] *When Killers Come To Class, supra,* at 31.

[15] Center to Prevent Handgun Violence, *Caught in the Crossfire: A Report on Gun Violence in Our Nation's Schools* (1990).

[16] The National Adolescent Student Health Survey, *A Report on the Health of America's Youth*, Tables 2-29 (1989); Callahan & Rivara, *Urban High School Youth and Handguns.* 267 JAMA 3038-42 (1992).

[17] *Trends & Issues 1991*, Illinois Criminal Justice Information Authority.

[18] *When Killers Come to Class, supra,* at 34.

[19] Circuit Court for Baltimore City, Grand Jury Report on Juveniles: Firearms (1987).

[20] *School Security Report*, Vol. 9, No. 3 (Jan. 1993).

doubled between 1985 and 1988. High schools experienced the greatest increase, but more guns were found at all grade levels, including kindergarten through sixth.[21] In 1990, California schools experienced a 40 percent increase in the presence of firearms.[22]

On any given day, the odds are good that when a teenager sits down in an urban high school classroom, as the teacher calls the class to order for the lessons of the day, at least one of the students is packing a gun.

2. Schoolhouse As Gun Supermarket.

Schools across the country are rapidly becoming the marketplace of choice for the sale or trade of firearms. Another generation may have arrived at school to trade baseball cards; now, some of our children sell and trade guns.

In the instant case, the defendant was paid $40 to take a gun to school to be used by another youth in a gang fight. Throughout the country, students reporting that they can easily obtain a handgun say that they would most likely get guns from friends, rather than on the street.[23] In 1992, school administrators in Houston discovered that a student was running a gun rental service on campus.[24] Gunmakers are ***targeting*** kids by pandering weapons that look just like the instruments of death featured in the movies, complete with laser sights, detachable clips and other gadgets, for about $100 – less than the cost of popular shoes. Gunmakers have tapped into the hype used for designer sneakers and logo-

---

[21] California Department of Education, *School Crime in California for the 1988-1989 School Year,* Standard School Crime Reporting Program (Mar. 1990).

[22] *Hearings Before the Subcomm. on Crime and Criminal Justice, House Comm. on the Judiciary*, 101st Cong., 1st Sess., 650-651 (1991) (statement of Dr. Ronald D. Stephens, Executive Director, National School Safety Center).

[23] Callahan & Rivara, *supra.*

[24] Gregory Freeman, *Guns in School: Deadly Issue,* St. Louis Post-Dispatch, Nov. 27, 1992, at 1E.

jackets.[25] Restrictions placed on licensed gun dealers and other forms of gun control simply do not apply to weapons acquired at the schoolhouse gun market.

3. Guns At School Mean Death At School.

It is not surprising that the guns in our schools fuel violence in our schools. An argument between students that previously might have resulted in a fistfight may now be resolved by a gunfight. Guns also give students a feeling of power and control, which can lead to confrontation and resolution of disputes by pulling the trigger.

Gun-related bloodshed has become painfully obvious. In the academic years 1986 through 1990, at least 71 people – 65 students and 6 school employees – were killed with guns at school; another 201 were severely wounded; and 242 were held hostage at gunpoint.[26] During that same period, shootings or hostage situations in schools were reported in at least 35 states and the District of Columbia.[27]

In some urban areas across our country, gun violence has become so severe[28] that schools have installed metal detectors, hired extra security and added "drive-by-shooting drills" to traditional fire drills.[29] The effects of the diversion of precious and dwindling education and health funds are obvious and detrimental in all 50 states – money is being spent on security and protection rather than on education.

---

[25] USA Today, May 9, 1994, at 1A; *see also* Violence Policy Center, *Cease Fire* (Feb. 1994).

[26] Center to Prevent Handgun Violence, *supra.*

[27] *Id.*

[28] In New York City alone, six students were shot and killed and 13 were shot and wounded in school buildings during the 1991-92 school year. *School Violence: Two Ways to Fight Back,* Governing 20 (March 1993). About 45 percent of the 758 students interviewed at 10 inner city public high schools in California, New Jersey, Louisiana and Illinois said they had been threatened with a gun or had been shot at on the way to or from school during the previous few years. *Scary Survey on Youths, Guns, supra.*

[29] *When Killers Come to Class, supra,* at 32.

The page limitations for this brief do not permit a full account of even the more serious incidents of gun violence that occurred in our schools over the past few years. To illustrate the pervasive interstate effects of gun violence in schools, the following is a sampling of selected devastating incidents from all parts of our country, both urban and rural, in both public and private schools. The level of this violence clearly justifies Congressional regulation:

Houston, Texas: In September 1985, a 16-year-old sophomore had a grudge against assistant principal Marvin Webster, Jr., because he had sent the boy home earlier in the month with a note to his parents about his haircut. As a crowd of 600 students looked on, the boy opened fire in the school cafeteria. His first shot severed Webster's spinal cord. Another bullet ricocheted off the wall and hit a 16-year-old student.[30]

Virginia Beach, Virginia: In December 1988, a 16-year-old student walked into Atlantic Shores Christian School carrying a semi-automatic handgun and six magazines containing 192 rounds of ammunition in his backpack. He shot one teacher twice, chased another through the school firing shots at her back, and killed another. A fourth teacher tackled the boy, saving the lives of a roomful of crying and praying teenagers. "The only friend I had was my gun," the boy said as he was led by police from the scene, "and you already took that from me."[31]

Las Vegas, Nevada: In August 1990, a 16-year-old student was shot to death when gunfire erupted during a gang fight in a high school cafeteria just before the first day of school was to begin.[32]

Birmingham, Alabama: In November 1990, an 11-year-old girl was caught in the crossfire of a gunfight between two

---

[30] Earnest L. Perry, *Man shoots wife, self on grounds of school*, Houston Chronicle, Nov. 14, 1992, at A33.

[31] Erik Larson, *The Story Of A Gun*, The Atlantic, Jan. 1993, at 48.

[32] *Youth Slain In School Gang Fight*, Los Angeles Times, Aug. 27, 1990, at P2.

15-year-old students at a middle school. She was shot to death.[33]

New York, New York: In December 1990, a feud between a South Bronx youth gang and a group of students over a teenage girl resulted in one of the students being shot to death in front of the school.[34]

Milwaukee, Wisconsin: On Valentine's Day, 1991, a 12-year-old student became angry when some friends were teasing him. He ran off the playground, fetched a silver .25 semi-automatic pistol, and returned, firing it repeatedly through the opening of the fenced-in playground.[35]

Rapid City, South Dakota: In September 1991, a 17-year-old with a sawed-off shotgun took 22 fellow students hostage and shot up a classroom.[36]

Salt Lake City, Utah: In September 1991, an assistant football coach was shot in the leg on the first day of school when he intervened in a fight between gang members.[37]

Crosby, Texas: In September 1991, Arthur Jack, the 17-year-old captain of the varsity football team and junior prom prince, was getting orange juice in the breakfast line at his school cafeteria. He heard someone say, "You called me a bitch." He looked up and saw a 15-year-old girl pointing a .38 caliber revolver. Jack tried to get away, but the girl fired a bullet into his back. The bullet pierced his heart. The assailant waved the gun in the direction of the other students, who fell to the ground like dominoes. Jack died on the floor behind the serving counter.[38]

---

[33] *Students caught in crossfire on nation's school campuses*, U.S. Newswire, Nov. 15, 1990.

[34] Mitch Gelman, *Boy, 15 Killed; Teen Arrested . . .*, Newsday, Dec. 21, 1990, at 6.

[35] *Kids Who Kill, supra*, at 31.

[36] Jim Abrams, *From inner cities to rural heartland, violent start to school year*, AP, Sep. 22, 1991.

[37] *Id.*

[38] It's Not Just New York, Newsweek, Mar. 9, 1992, at 25.

Seattle, Washington: In October 1991, a 16-year-old middle school student shot his teacher with a pellet gun while she was grading papers in her classroom. The teacher had given him a failing grade, which made him ineligible for football.[39]

New York, New York: In February 1992, Thomas Jefferson High School was swarming with security guards preparing for a visit from New York City Mayor David Dinkins. A 15-year-old boy went to school looking for schoolmates Ian Moore, 17, and Tyrone Sinkler, 16. Sinkler had recently transferred to Jefferson because a student was shot in his last school. Ninety minutes before Mayor Dinkins arrived for a speech, the boy walked up to Moore and Sinkler in a second-floor hallway and, without saying a word, shot them point-blank and killed them. A 16-year-old classmate, Marlon Smith, was so distraught over the killings that school personnel called his mother at work. She hurried home, finding her son in her bedroom. He had shot himself in the head, and died shortly thereafter. Just three months before in the same high school, a 14-year-old boy, who said he was trying to help his brother, had murdered a 16-year-old student and seriously wounded a teacher in the school hallway.[40]

Tulsa, Oklahoma: In January 1992, a 17-year-old high school senior accused a 14-year-old freshman of stealing a coat he was wearing. The freshman shot him.[41]

Tucson, Arizona: In October 1992, a tenth grader was shot at point-blank range in a student parking lot at his high school. The incident is believed to have been gang-related.[42]

Birmingham, Alabama: In November 1992, four young men chased a 16-year-old around the campus as they tried to

---

[39] *'Arms Race' in Schools – Students Say They Pack Guns For Protection*, The Seattle Times, Mar. 10, 1992, at A1.

[40] John Shanahan, *Two students killed in NYC High School before Mayor's visit*, AP, Feb. 26, 1992.

[41] Shirley Ragsdale, Gannett News Service, Feb. 5, 1992.

[42] *Roll Call of the Dead*, People, Jun. 14, 1993, at 50.

steal his athletic jacket. One of them shot him in the back of the head.[43]

Chicago, Illinois: In November 1992, a seventh grader shot himself with a .22 caliber pistol during homeroom class. It is believed that he thought the gun, which he had brought to school on previous days, was not loaded.[44]

Richardson, Texas: In November 1992, a 17-year-old junior at a Dallas-area high school was shot to death near the school after a football game.[45]

Chicago, Illinois: In November 1992, 15-year-old DeLondyn Lawson was shot dead in a hallway at Tilden High School, victim of a dispute between two other students about a dice game. He was the second student in 10 days to be shot to death in a Chicago public school.[46]

Washington, D.C.: In January 1993, teenage members of rival gangs clashed in a school for pre-kindergarten to ninth grade students. Security guards and police broke up the fight and herded the gang members into a band room. When a security guard went outside the room to calm the gathering crowd, a 14-year-old boy shot him in the stomach with a .22 caliber revolver. A spokesperson reported that classes were not cancelled and "Students were calm on the whole." "It was a normal school day," she said.[47]

Bridgeport, Connecticut: In January 1993, two children were murdered outside their elementary school, one in full view of students and teachers.[48]

Carter County, Kentucky: In January 1993, a 17-year-old honors student walked into class late. As his classmates

---

[43] *Id.* at 51.

[44] *Id.*

[45] Maria Greene, *Safe or Scary?*, The Dallas Morning News, May 30, 1993, at 6.

[46] *Body count rises in public schools*, Chicago Tribune, Nov. 24, 1992, at 18.

[47] Brian Reilly, *Security guard shot at Southeast school . . .*, The Washington Times, Jan. 29, 1993, at A1.

[48] *When Killers Come to Class*, *supra*, at 34.

silently read their assignments, his teacher, who a few weeks before had refused his demand to change one of his midterm grades, corrected papers. The boy pulled a revolver from his jacket and fired a .38 caliber bullet into his teacher's right temple. One day before her 49th birthday, she lay dead. When the school's custodian came to the classroom, the student fired a shot into the custodian's stomach, killing him as well. He held his classmates hostage, taunting them, as one of them wrote a goodbye note to her parents. Twenty minutes later, he surrendered to police.[49] (A 1990 bill that would have made it a crime to carry a gun onto school grounds in that county had been defeated by the National Rifle Association and rural lawmakers.)

Los Angeles, California: In January 1993, a tenth grader was killed when a .357 magnum in another student's backpack accidentally discharged.[50]

Middle River, Minnesota: In February 1993, a 14-year-old eighth grader, toting a 30-30 rifle he had brought to his middle school, walked through the music room where a teacher was giving a lesson, and into a storeroom. Then he shot himself in the head. No one knows why.[51]

Reseda, California: In February 1993, a 15-year-old dropout, who had bragged about carrying a gun the previous week, confronted a 17-year-old senior in the hallway of the science building during a midmorning snack break. As the other students watched, he fired at his victim, killing him instantly. The assailant was arrested two blocks away from the school, eating a raspberry donut.[52]

Pennsburg, Pennsylvania: In May 1993, a soft-spoken 15-year-old, who attended church youth group meetings, shot a tenth grader to death by firing twice into his head in front of 22 students. The gunman, at 5 ft./4 in., said his victim, at 6 ft.

---

[49] *The Tragedy in Room 108*, U.S. News & World Report, Nov. 8, 1993, at 41.

[50] *Roll Call of the Dead, supra*, at 51.

[51] *Id.*

[52] *Id.*

5 in. and the largest student in his high school, had been picking on him about his height.[53]

Princeton, West Virginia: In May 1993, a 15-year-old high school student took 20 people hostage and fired a shotgun at the principal.[54]

Atlanta, Georgia: In August 1993, a ninth grader was murdered and a tenth grader wounded when another student, who had had a fistfight with his younger victim the previous day, opened fire in the crowded cafeteria.[55]

Los Angeles, California: In September 1993, a 15-year-old was waiting in line to transfer into the school. He heard an argument between other students. As he turned to see what was happening, he was shot in the back and the chest.[56]

Charlotte, North Carolina: In September 1993, a 14-year-old student at a rural high school was arrested for shooting a classmate on the sidewalk as school was dismissed.[57]

Washington, D.C.: In September 1993, two junior high school students sprayed the crowded schoolground with semi-automatic weapons.[58]

Somerville, New Jersey: In September 1993, a 17-year-old was charged with attempted murder after shooting another student.[59]

Chicago, Illinois: In September 1993, a 17-year-old who served as his high school's mascot was gunned down after a football game. He was in a car when a student from another school walked over, put a gun to his head and pulled the trigger.[60]

---

[53] *Id.*

[54] Andrea Stone, *Kids, guns: 'It's shoot or be shot'*, USA Today, June 3, 1993, at 1A.

[55] *When Killers Come to Class*, *supra*, at 32.

[56] *Id.*

[57] *Id.*

[58] *Id.*

[59] *Id.*

[60] *Id.*

Butte, Montana: In April 1994, 11-year-old Jeremy Bullock stood in line to enter his elementary school. A *fourth-grade* boy walked up carrying a .22 semi-automatic pistol. He loaded the gun and fired three times at no one in particular. A bullet blasted through Jeremy's skull, just behind his ear, and killed him. In the principal's office, the 10-year-old gunman stared stoically into space, muttering, "Nobody loves me."[61]

Nashville, Tennessee: In April 1994, 13-year-old Terrence Murray sat in his seat, watching Walt Disney's *Beauty and the Beast* in his darkened classroom. Terrence was a quiet boy who had sickle cell anemia. Behind him, a 14-year-old classmate, who would later say he had no quarrel with Terrence, wrapped a jacket around his hand, raised a gun to the back of Terrence's skull, and blew his head off.[62]

Not all of the blood in our schoolyards is shed at the hands of students. Outsiders come onto or near the school grounds, guns in hand, and terrorize our children:

Stockton, California: In 1989, a crazed gunman, armed with an AK-47 assault rifle, fired on a crowded school yard. Five children were executed; 29 children and 1 teacher were wounded.

Olivehurst, California; In May 1992, an unemployed 21-year-old, who was unhappy with the treatment he had received during high school, stopped by a local gun shop, loaded an ammunition belt and donned a camouflage hunting vest. Carrying a .22 caliber rifle over his shoulder, a 12-gauge shotgun in his hands, and two bandoliers of ammunition, he returned to his alma mater, working his way through the halls and classrooms. Three students and one teacher were killed; at least 10 people were treated for gunshot wounds; and as many as 80 hostages were held at gunpoint during the 8-hour

---

[61] Richard Price, *supra.*

[62] *Id.* at 5A.

siege, which ended when the gunman surrendered to deputies. Ten of the child hostages were exchanged for some pizza.[63]

Houston, Texas: In November 1992, the chair of the special education department and mother of three was confronted by her estranged husband. As he chased her with a .45 semi-automatic pistol, she started to run in front of the school, then changed directions, apparently realizing what would happen if he started shooting in the school. He caught up to her, shot her dead, and turned the gun on himself.[64]

Acushnet, Massachusetts: In April 1993, a 42-year-old man with a history of mental illness took a shotgun into a middle school and announced, "This is a hostage situation." He took the school principal, librarian and nurse hostage, then shot the school nurse in the back, killing her.[65]

B. JOHNNY CAN'T READ BECAUSE JANE HAS A GUN: THE EFFECT OF GUN POSSESSION AND GUN-RELATED VIOLENCE ON EDUCATION.

In *Brown v. Board of Education*, 347 U.S. 483, 493, 74 S.Ct. 686, 691 (1954), this Court declared that "education is perhaps the most important function of state and local governments." The Court continued:

> Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance

---

[63] Jennifer Bjorhus, *Bad Grade Resulted In Rampage?*, Sacramento Bee, Jun. 18, 1993; *Mass murder court case delayed*, UPI, Sept. 28, 1992; *4 dead after standoff with gunman at California school*, Chicago Tribune, May 2, 1992, at 16.

[64] *Roll Call of the Dead*, *supra*, at 50; Earnest L. Perry, *supra*.

[65] Jonathan Yenkin, *Principal Describes Shooting At Middle School*, AP, Apr. 17, 1993; Tom Coakley, *School nurse is shot, killed*, The Boston Globe, Apr. 15, 1993, at 1.

> of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education.

Id. at 493. *See School District of Abington Township, Pennsylvania v. Schempp*, 374 U.S. 203, 230, 83 S.Ct. 1560, 1576 (1963) (Brennan, J., concurring) ("Americans regard the public schools as a most vital civic institution for the preservation of a democratic system of government.") Guns in and near our schools devastate this most precious resource.

1. Effect Of Violence On Victims, Students, Families and Teachers.

It is undisputed that "violent school crimes arouse destructive fears among students, parents and teachers."[66] Gunshots petrify children in our schools long after the echoes have subsided in the halls. After two students were murdered at a Connecticut elementary school, "Kids didn't want to go to class, they couldn't eat or sleep, they burst out crying."[67] After a double-murder and hostage situation in a rural Kentucky high school:

> There was little pattern to the post-trauma reactions. One girl slept on the couch in her living room with a parent on the floor beside her. Another studied at home because she couldn't go back into the building. One boy had to sit next to the door in all his classes because he felt trapped anywhere else in

---

[66] Jackson Toby, *Violence in Schools, Research in Brief*, National Institute of Justice, Dec. 1983, at 3.

[67] Jettie Tisdale, principal of Longfellow Elementary School, Bridgeport, Connecticut, quoted in *When Killers Come to Class, supra*, at 34.

> the room. One day last spring, a student had a terrifying flashback when a prop for the senior prom crashed to the gymnasium floor. [¶] All of the students held hostage by [the child killer] now have graduated. Still, for some, the tears continue.[68]

The day after the murder of two teenagers in a New York high school, more than 400 students asked for a transfer, attendance was down 50 percent, classes were replaced with counseling sessions, and school rooms became grieving rooms.[69]

Death does not affect only our children. The mother of a 15-year-old boy who gunned down two teenagers at a New York high school is afraid to walk outside her home alone for fear she will be killed by the victims' avengers.[70] The mother of one of the victims moved out of her housing project.[71] The mother of another student lamented, "You sit at home and you wonder if your kid will come home alive or not."[72] A teacher, shortly after a student was gunned down in a Los Angeles high school, penned this rap lyric:

> *School's a place for learnin'*
> *School's a place for fun*
> *And that sure ain't gonna happen*
> *If someone brings a gun.*[73]

Not only are the victims, witnesses and survivors traumatized by this mortal gunplay, the lives of the young perpetrators are forever altered. Ahead of them may lie death by retaliation,

---

[68] *The Tragedy in Room 108, supra*, at 46.

[69] Edna Negron, *400 students want out of Jefferson HS*, Newsday, Feb. 28, 1992, at 2.

[70] Mary Tabor, *A Year Later, Death's Echoes*, New York Times, June 24, 1993, at B3.

[71] *Id.*

[72] *400 Students want out of Jefferson HS, supra.*

[73] Tracey Kaplan, *Fatal Shooting At School Prompts Project To Spread Anti-Weapons Message*, Los Angeles Times, June 5, 1993, at B4.

prison, or, worse yet, condonation of their inhuman barbarism.

It does not take a tragedy of the magnitude of a double homicide, however, to deprive America's youth of an education. The daily reality of chronic violent crime and the prevalence of guns paralyze our education system, through fear, distraction and despair.

The tragic fact is that our children are *afraid* to go to school. Nearly two decades ago, the Department of Health, Education and Welfare published – and reported to Congress – the Safe School Study.[74] The study showed that one-third of large-city junior high school pupils and nearly one-fifth of their counterparts in rural areas were afraid of three or more school-related locations, such as bathrooms and other places on school grounds. Nearly eight percent of large-city junior high school students stayed home due to fear at least one day in the preceding month.[75] As noted researchers concluded, "about 1.7 million junior and 2.0 million senior high youth [are] afflicted by moderate to high levels of fear."[76] About 11 percent of them are afraid *on the way to school* at least once a week.[77]

As the number of guns and frequency of gun-related violence has proliferated through the years, so has our children's degree of fear. In a national survey, 15 percent of inner-city high school students said they were scared at school almost all of the time.[78] Sixteen percent of eighth graders, 14 percent of tenth graders and 12 percent of twelfth

---

[74] U.S. Dept. of Health, Educ. & Welfare, *Violent Schools – Safe Schools: the Safe School Study Report to Congress*, Vol. 1, Washington, D.C.; U.S. Government Printing Office (1978). *See* Ivor Wayne & Robert J. Rubel, *Student Fear in Secondary Schools*, The Urban Review 198-199 (1982).

[75] *Id.*

[76] Wayne & Rubel, *supra*, at 203.

[77] *Id.* at 219.

[78] Sheley, *et al.*, *Gun Related Violence In and Around Inner-City Schools*, 196 American Journal of Diseases of Children, 677-682 (1992).

graders told University of Michigan researchers that they fear for their safety.[79]

The fear is even more pervasive in some cities. A study of 1,250 Philadelphia families with a 12-year-old boy found that nearly half the boys were afraid of their immediate area.[80] The researchers reported:

> School-related settings were of considerable concern to many boys; about one-quarter found the school building itself (halls and rooms) dangerous, and about half were fearful of streets leading to and from school, and the school yard.[81]

This fear keeps children out of school. According to the Justice Department, each day 160,000 kids stay away from school because they are afraid to go.[82] Nearly eight percent of urban junior and senior high school students missed at least one day of school a month because they were afraid to go to school.[83] A study of Illinois high school students found that one in 12 confessed to staying away from school out of fear.[84]

Violence also interferes with the teacher's ability to maintain an environment conducive to learning. Twelve percent of secondary school teachers across our country – and 28 percent of secondary school teachers in the largest cities – admitted that they had hesitated to confront misbehaving students in the preceding month because they were afraid of retaliation.[85]

---

[79] *When Killers Come to Class, supra*, at 32.

[80] Study by Michael Lalli & Leonard Savitz, discussed in Wayne & Rubel, *supra.*

[81] *Id.*, quoting from Leonard Savitz, *Intergenerational Patterns of Fear and Crime, Interim Report to the Office of Juvenile Justice and Delinquency Prevention*, U.S. Department of Justice (1976).

[82] *Id.*

[83] National School Safety Center, *Safe Schools Overview, NSSC Resource Paper*, 3 (Feb. 1986).

[84] *Kids Who Kill, supra.*

[85] Jackson Toby, *supra.*

2. Effect Of Guns And Violence On The Classroom And Learning Opportunities.

Violence-inspired fear not only keeps our children out of class and interferes with their teacher's ability to teach, it interferes with the ability of those who *stay* in class to learn. It is beyond dispute that "[e]xposure to violence adversely affects children's development in many areas, including their ability to function in school, emotional stability, and orientation toward the future."[86]

The effect of school violence on the ability of children to learn in the classroom has been known for decades. A 1972 study reported:

> The perception of the school environment of being dangerous could very well influence the students' ability to do well in school. A student who feels that he is in danger of being beaten up or robbed in the schoolroom is not likely to pay full attention to the teacher. Also, the perception of the school yard and halls as dangerous may account somewhat for the high truancy rates which are recorded by the inner-city schools.[87]

Indeed, a 1976 study of the criminal victimization of public school students in Dade County, Florida, found that "about one-fifth of the responding secondary school students said that their ability to learn in class was affected by their fear of other students."[88] The Safe School Study confirmed these results as a national phenomenon. Students who were highly apprehensive of their school for safety reasons were considerably more likely to have below-average grades (D's and F's)

---

[86] *Silent Victims, Children Who Witness Violence*, 269 JAMA 2 (1993).

[87] Wayne & Rubel, *supra*, at 199, quoting M. Lalli & L. Savitz, *Delinquency and City Life, Washington, D.C.*; National Institute of Law Enforcement and Criminal Justice, U.S. Department of Justice, (1972).

[88] Wayne & Rubel, *supra*, at 199.

than higher grades.[89] Very apprehensive students rated themselves much lower than others in reading ability.[90]

Furthermore, violence affects our children's representations of the world. A child exposed to chronic violence may develop pathogenic conclusions such as, "the world is a hostile and dangerous place," "kill or be killed," and "my enemies are less than human."[91] They may develop the symptoms of Post-Traumatic Stress Disorder, including "sleep disturbances, day dreaming, recreating trauma in play, extreme startle responses, emotional numbing, diminished expectations for the future, and even biochemical changes in their brains that impair social and academic behavior."[92] As Dr. James Garbarino, President of the Erikson Institute for Advanced Study in Child Development, has concluded based on years of study and review of pertinent research:

> This trauma can produce significant psychological problems that interfere with learning and appropriate social behavior in school and that interfere with normal parent-child relationships. . . . ***If these children do not develop a sense of confidence that adults are committed to providing a safe zone in the school their willingness and ability to take advantage of educational opportunities will decrease and this will adversely effect their future contributions to the nation's economic life in positive terms***.

See Declaration of James Garbarino, Appendix A hereto, at App. 11 (emphasis added).

---

[89] *Id.* at 204.

[90] *Id.*

[91] Declaration of James Garbarino, Appendix A hereto, at App. 10.

[92] *Id.*

Recent research finds an association between children's witnessing community violence and subsequent development of emotional disturbances.[93]

C. REVERBERATIONS OF VIOLENCE: THE NATIONAL IMPLICATIONS OF GUN POSSESSION AND GUN-RELATED VIOLENCE IN SCHOOLS.

The costs of treating gunshot wounds, the effect of gun violence on education, and the use of our schools as the new marketplace for the gun trade have serious interstate consequences.

1. The Quality Of Education Has A Direct Relationship To Our Country's Economic Competitiveness.

It is well established that education is the key to our nation's economic development. Researchers reported to The World Bank in 1990:

> There is now a persuasive body of theoretical and empirical evidence that investment in the formal education and training of the labor force plays a crucial role in economic development . . . [¶] The results of these studies suggest that in both developed and developing countries, educational investment has been one of the most important factors contributing to economic growth . . . .[94]

Historically, education has been critical to our national economy. Nearly a quarter of America's increase in economic growth between 1929 and 1957 was due to the increased

---

[93] L.N. Freeman, *et al.*, *Violent Events Reported By Normal School-Aged Children: Characteristics and Depression Correlates.* 32 J. Am. Acad. Child Adolescent Psychiatry 419-23 (1993).

[94] Wadi D. Haddad, et al., *Education and Development: Evidence for New Priorities,* World Bank Discussion Papers, 3 (1990).

education of its labor force.[95] Education contributed to 11 percent of economic growth in the United States between 1948 and 1973.[96] It is a plain fact that schooling makes more productive workers.[97]

The quality of education also has a direct effect on the ability of the individual to compete economically in our society. The more education, the less likely one will be unemployed. In 1989, people who did not finish high school were over four times more likely to be unemployed than college graduates.[98] Furthermore, the more education, the higher the income. In the 1980s, college graduates saw their real incomes rise by 10 percent; high school graduates and high school dropouts saw their real incomes drop by about 10 percent.[99]

These statistics are not surprising. Better quality education develops personal attributes that are useful in the job market or conducive to greater interest in continuing schooling.[100] The benefits of education – and the necessity of education – become even more important as we increase our reliance on automation and information technology, rather than manual labor or low-skilled jobs.[101] A skilled labor force

---

[95] Lewis C. Solomon, *The Quality of Education and Economic Growth: A Review of the Literature*, in The Quality of Education and Economic Development (Stephen P. Heyneman & Daphne Siev White eds. 1986) 12-13.

[96] Dale Jorgenson, *The Contribution of Education to U.S. Economic Growth, 1948-73*, in Education and Economic Productivity, (Edwin Dean, ed., 1984).

[97] Christopher Coldough, *Primary Schooling and Economic Development: A Review of the Evidence*, World Bank Staff Working Paper NO. 399 (1980).

[98] *Trying Harder*, The Economist: A Survey of Education, Nov. 21, 1992, at 4.

[99] *Id.*

[100] *Id.*

[101] *Id.* at 5.

is a national resource directly affecting the shape of our labor markets and the nation's competitive productivity.[102]

2. The Quality Of One State's Educational System Affects The Welfare Of Other States Due To The Mobility Of Youth.

The education of our children is not limited to any particular state. Between two and four percent of children below the age of 18 – over a million boys and girls – moved to a different state in a single year.[103] There is a substantial federal interest in the education of the many millions of children whose schooling is not limited to a single state.

Furthermore, the presence of guns in schools has a direct and highly restrictive effect upon interstate travel. Violence in schools discourages travel to urban areas where school violence is particularly high. Parents do not want their children to go to dangerous schools, and gun violence thus obstructs interstate commerce, because one cannot move and not go to school. *Cf. Heart of Atlanta Motel, Inc. v. United States*, 379 U.S. 241, 300, 85 S.Ct. 348 (1964).

3. The Medical Costs Of Gun-Related Violence In Schools, Borne Largely By The Federal Government And Taxpayers, Have Interstate Consequences.

It is difficult to estimate the medical costs associated with gun-related violence in schools due to the relative dearth of pertinent statistics and the concurrence of skyrocketing

---

[102] The sheer increase in the volume of guns in our schools and the social circumstances of our time cause gun possession to have a far larger impact on the national economy than it would have had on an economy of another day. *Cf. Heart of Atlanta Motel Inc. v. United States*, 379 U.S. 241, 251, 85 S.Ct. 348 (1964).

[103] Kristin A. Hansen, Bureau of the Census, *Geographical Mobility: March 1991 to March 1992*, Table 1, p.7, *in Current Population Reports: Population Characteristics*, 20-473 (1993).

health care costs and stunning increases in the frequency and severity of violent incidents. In 1986, hospitalization costs (not including ambulance services, physicians fees, readmissions, ambulatory care follow-up visits, physical therapy, rehabilitation services, and long-term care) were estimated to be about $7,000 per gunshot patient.[104] In 1990, hospitalization costs rose to nearly $15,000 per gunshot patient.[105] Most recently it was estimated that "every gun injury amounts to more than $33,000 in medical costs – exclusive of doctor's fees."[106]

This expense is a national concern, affecting each of the 50 states. Approximately 86 percent of hospitalization costs are borne by *public* funds, including Medi-Cal (Medicaid), Medicare, the Medically Indigent Adult Program, the jail system, the Aid to Victims & Witnesses Program, and bad debts written off by the hospital.[107]

Most of the balance of hospitalization costs (about 13 percent) are borne by private insurance companies, workers' compensation insurance providers, and health maintenance organizations, which are largely interstate concerns.[108] *See United States v. Evans*, 928 F.2d 858, 862 (9th Cir. 1991) (possession of firearms adversely affects the national economy, at least through interstate insurance companies). Patients themselves pay only 1.4 percent of the costs.[109]

---

[104] *The Cost of Hospitalization for Firearm Injuries*, 260 JAMA 3048-3050 (1988).

[105] This figure is based on the mean cost for hospital care, excluding physician fees, for a patient with a gunshot wound in Washington, D.C., including both adults and children, between July 1, 1989, and June 30, 1990. *See Epidemiologic Changes in Gunshot Wounds in Washington DC, 1983-1990*, 127 Archives of Surgery 694-98 (1992).

[106] Donna Harrington-Lueker, *The American School Board Journal*, 24 (May 1992) (quoting Deane Calhoun of Teens on Target in Oakland, California).

[107] *The Cost of Hospitalization for Firearm Injuries, supra.*

[108] *Id.*

[109] *Id.*

Hospitalization costs, however, are only a small portion of the total medical costs. The fees of doctors and other professionals will also be borne largely by public funds and private insurance companies. The recent escalation of violence has placed substantial financial strain on urban trauma centers, forcing some of them to close.[110]

4. The Flow Of Guns Through Interstate Trade And Multistate Gang Activities Affects Interstate Commerce.

The guns that are possessed and sold in and near our schools have likely crossed state lines. In New York City, one out of every four guns that could be traced was bought in Virginia; one in three traceable guns in Washington, D.C. was also bought in Virginia.[111] "In cities with strong gun-control laws, like Boston, New York and Washington, weapons are imported and resold at a profit by traffickers who purchase them in states that until recently have had few gun-buying restrictions: Florida, Texas, Virginia, Georgia and Ohio."[112]

Four California firearms manufacturers provided 40 percent of the handguns seized by Denver police from gang members in 1993.[113] A study by the Bureau of Alcohol, Tobacco and Firearms and police in Detroit, Michigan, found that the most frequently used gun in serious crimes in Detroit was manufactured in California.[114] According to the Violence Policy Center, a gun-control advocacy group in Washington, D.C., those California guns are the favorites of gun traffickers

---

[110] *Epidemiologic Changes in Gunshot Wounds in Washington DC, 1983-1990, supra,* citing United States General Accounting Office, *Trauma Care: Lifesaving System Threatened by Unreimbursed Costs and Other Factors* (1991).

[111] Lorraine Woellert, *Gotham's guns come from Virginia,* The Washington Times, Dec. 30, 1992, at A1.

[112] *Kids Who Kill, supra,* at 28.

[113] John C. Ensslin, *Denver's Gang Arsenal,* Rocky Mountain News, March 13, 1994, at F20A.

[114] *Id.* at F22A.

D.C., those California guns are the favorites of gun traffickers and youth.[115]

Indeed, the interstate activity of gangs has apparently fueled interstate transportation of guns. Gangs, and their guns, have spread across state borders. "The Crips and the Bloods began in Southern California about 20 years ago but now have loose affiliations in 32 states and 113 cities."[116]

Because guns are carried across state lines, additional measures should be taken at the federal level to curb the availability of firearms due to the current variation among states in firearm regulations.[117]

IV. CONCLUSION

The facts cataloged in this brief confirm that the possession of guns in and near our schools – unlike other local crime or the possession of "lead pencils, 'sneakers', Game Boys or slide rules" (*see Lopez*, 3 F.3d at 1366) – has deadly consequences and a definite effect on the commerce among the states. Absent the constraint on the page limitations for this brief, *amici* could provide ten times the amount of information herein.

The Gun-Free School Zones Act, though not a panacea, is a proper method for Congress to use to help eradicate the violence, and the threat of violence, that is directly affecting

---

[115] *Id.*

[116] *Id.*

[117] *See Firearm Violence and Public Health: Limiting the Availability of Guns*, 271 JAMA 1281-1283 (1994).

each of the 50 states and our national economy. We respectfully urge this Court to reverse the decision of the Fifth Circuit Court of Appeals.

Respectfully submitted,

WILLIAM F. ABRAMS
Counsel of Record
CARL W. CHAMBERLIN
ORRICK, HERRINGTON & SUTCLIFFE
400 Sansome Street
Old Federal Reserve Building
San Francisco, CA 94111-3143
(415) 392-1122
Counsel for Amici Curiae

APPENDIX

AFFIDAVIT OF JAMES GARBARINO, Ph.D.

1. CREDENTIALS AND EXPERIENCE

I, James Garbarino, Ph.D., have been President of the Erickson Institute for Advanced Study in Child Development since 1985. I earned my B.A. from St. Lawrence University in 1968, and my Ph.D. in Human Development and Family Studies from Cornell University in 1973. I have served as a consultant to a wide range of organizations including the National Committee for the Prevention of Child Abuse, the National Institute for Mental Health, the American Medical Association, the National Black Child Development Institute, the National Science Foundation, the National Resource Center for Children in Poverty, and the U.S. Advisory Board on Child Abuse and Neglect. In 1991 I undertook missions for UNICEF to assess the impact of the Gulf War upon children in Kuwait and Iraq, and have served as a consultant for programs serving Bosnian and Croatian children.

I have been a consultant to television, magazine, and newspaper reports on children and families. I have also authored several books dealing with the impact of violence on children, including: *Protecting Children from Abuse and Neglect* (1980); *Children and Families in the Social Environment* (2d ed. 1992); *Troubled Youth, Troubled Families* (1986), *No Place to be a Child: Growing Up in a War Zone* (1991); *Children in Danger: Coping with the Consequences of Community Violence* (1992).

I have received numerous awards, including the Society for Psychological Study of Social Issues Prize for

Research on Child Abuse (1992); The Brandt F. Steele Award from the Kempe National Center on Child Abuse and Neglect (1993); and the Nicholas Hobbs Award from the American Psychological Association's Child, Youth and Family Services Division (1994).

2. OVERVIEW

Based upon my research during the past 9 years in the United States and abroad involving observations of children coping with violence and the threat of violence, it is my opinion that there is a compelling national interest involved in the Gun-Free School Zones Act that affects children and life in each of the fifty states, and that affects the commerce of the United States in terms of educational, health and economic issues, among others. The current presence of guns in the social environment of schools exerts a clear and present danger to the psychological well-being of students and teachers. It diverts attention and resources away from the educational process. It increases the likelihood of trauma-inducing violence. It engenders and reinforces a climate of fear among students and teachers that generates coping responses that themselves can undermine the educational process (*e.g.*, truancy caused by fear of violence, high teacher turnover due to fear and trauma, and restricted use of school facilities due to the exigencies of security measures).

Data on the prevalence of assault in American schools documents the fact that it is common (Simmons and Blyth, 1990). The introduction of guns into the school environment transforms this "traditional" challenge to

children and youth into a much more intense threat, one that can quickly become lethal. Based upon my research and the research of my colleagues, I believe that banning the possession of guns in the immediate vicinity of schools is one necessary element in a "safe schools" campaign that can help restore a social climate more conducive to learning and teaching. This effort will contribute to economic, social, and physical well-being of the citizens of the United States.

3. BACKGROUND AND ANALYSIS

Hundreds of thousands of American children face the challenge of living with chronic community violence, and most American children must cope with increased fear of violence as they go about their daily lives. Homicide rates provide only a rough indicator of the overall problem of violence in the lives of American children and youth. The United States Surgeon General's report in 1985 (Koop, 1985) estimated 100 assaults for each murder. However, this ratio varies as a function of both medical trauma technology (which prevents assaults from becoming homicides) and weapons technology (which can increase or decrease the lethality of assaults). Two examples from Chicago illustrate these issues.

The city's homicide rate in 1973 and 1993 was approximately the same, and yet the rate of serious assault increased approximately 400% during that period. Thus, the ratio of assaults to homicides increased substantially. A second example is to be found in data from Chicago's Cook County Hospital. In 1982, the hospital responded to approximately 500 gun shot cases. In 1992,

the number was approximately 1,000. However, in 1982 almost all these cases involved single bullet injuries, while in 1992, 25% involved multiple bullets. Rates of permanent disability have thus increased substantially, although the homicide rate has shown only a modest increase.

Class, race, and gender exert important influences on exposure to community violence. The odds of being a homicide victim range from 1:21 for Black males, to 1:369 for white females (with white males at 1:131, and Black females at 1:104) (Bell, 1987). Being an American itself is a risk factor. The United States far exceeds all other modern industrialized nations in its homicide rate (even for whites, where the rate of 11.2 per 100,000 is far more than the second place country, Scotland, with 5 per 100,000 (Richters and Martinez, 1993).

Whatever the exact constellation of causes, children growing up in the United States have particularly high levels of exposure to violence. For example, in three high risk neighborhoods in Chicago, 17% of the elementary school age children had witnessed domestic violence, 31% had seen someone shot, and 84% had seen someone "beat up" (Bell, 1987). Thirty percent of the kids living in high crime neighborhoods of the cities like Chicago have witnessed a homicide by the time they are fifteen years old, and more than 70% have witnessed a serious assault. These figures are much more like the experience of kids in the war zones I have visited in other countries than they are of what we should expect for our own children, living in "peace." Richters and his colleagues (1993) have amplified these results. In their study, 43% of the 5th and

6th graders had witnessed a mugging in a moderately violent neighborhood in Washington, D.C.

In our interviews with families living in public housing projects in Chicago we learned that virtually all the children had first-hand experiences with shooting by the time they were five years old. Interviews with school-age children confirm that the "gun culture" is a potent factor in the life of children in diverse settings in the United States (Garbarino, in press). The spread of the "gun culture" into the lives of school children is associated with a clear and present danger to their mental health, social behavior, and educational success. I base this conclusion upon an analysis of the role of trauma, threat, and violence on the development of children (Garbarino, Dubrow, Kostelny, and Pardo, 1992).

The following examples describe the effects of this gun culture on the culture of childhood. In Detroit, a young boy whose idolized teenage brother was killed in a gang-related attack was asked, "If you could have anything in the whole world, what would it be?" His answer: "A gun so I could blow away the person that killed my brother." In California, when I asked a nine year old boy "what would it take to make you feel safer here?" he replied, "If I had a gun of my own." In a middle class suburb of Chicago, when I asked a classroom of eight year olds, "If you needed a gun could you get one?" a third of the children were able to describe in detail how they would get one. In a prison in North Carolina, when I asked three incarcerated teenagers why they had done the shooting that had landed them in prison, all three replied, "what else was I supposed to do?" We must understand that the gun culture is infusing the minds and

hearts of American children and youth. Whether or not this cultural infusion results in actual shooting depends upon the particular circumstances of those children and youth, specifically, whether they experience an accumulation of social and psychological risk factors.

One of the conclusions we draw from our observations of children coping with chronic community violence in today's America is that risk accumulates. Children are capable of coping with one or two major risk factors in their lives. But when risk accumulates – the addition of a third, fourth, and fifth risk factor – we see a precipitation of developmental damage. This developmental model is particularly relevant to understanding the impact of chronic community violence on inner city children.

The experience of community violence takes place within a larger context of risk for these children. They are already often poor, often live in father-absent families, often contend with parental incapacity due to depression or substance abuse, often are raised by parents with little education or employment prospects, and often are exposed to domestic violence.

This constellation of risk by itself creates enormous challenges for young children. For them, the trauma of community violence is often literally "the straw that breaks the camel's back." Bearing in mind that approximately 20% of American children live with this sort of accumulation of risk, the problem of violence is clearly a national problem with far reaching implications for our educational system.

The task of dealing with the effects of this environmental conspiracy falls to the people who care for these

children – their parents and other relatives, teachers, and counselors. But these adults take on this task facing enormous challenges of their own. We have found that human service professionals and educators working in the high violence areas of our communities are themselves traumatized by their exposure to violence. In one study we found that 60% of the Head Start staff members surveyed in Chicago had experienced traumatic events connected with violence. For these individuals, efforts to create a "safe zone" in the school are crucial to their ability to perform their important functions in the lives of high risk children. For this safe zone to help children focus on their school work, it must exist as part of their "social maps."

Certainly one of the most important features of child development is the child's emerging capacity to form and maintain "social maps." These representations of the world reflect the simple cognitive competence of the child (knowing the world in the scientific sense of objective, empirical fact). But they also indicate the child's moral and affective inclination.

We are concerned with the conclusions about the world contained in the child's social maps: "adults are to be trusted because they know what they are doing," "people will generally treat you well and meet your needs," "strangers are dangerous," "school is a safe place." The forces shaping these maps include the child's experiences in counterpoint with the child's inner life – both the cognitive competence and the working of unconscious forces.

Young children must contend with dangers that derive from two sources not nearly so relevant to adults.

First, their physical immaturity places them at risk for injury from trauma that would not hurt adults because they are larger and more powerful. Second, young children tend to believe in the reality of threats from what most adults would define as "the fantasy" world. This increases their vulnerability to perceiving themselves as being "in danger." These dangers include monsters under the bed, wolves in the basement, and invisible creatures that lurk in the dark corners of bedrooms.

Trauma arises when the child cannot give meaning to dangerous experiences. This orientation is contained in the American Psychiatric Association's definition of Post Traumatic Stress Disorder (PTSD), which refers to threatening experiences outside the realm of normal experience. This suggests experiences which are cognitively overwhelming in which the process required to "understand" these experiences has pathogenic side effects. That is, in coping with traumatic events, the child is forced into patterns of behavior, thought, and feelings that are themselves "abnormal" when contrasted with that of the un-traumatized healthy child. Children are particularly vulnerable to the trauma caused by threat and fear – those exposed to trauma before age 10 were three times more likely to exhibit PTSD than those exposed after age 12 in one study (Davidson & Smith, 1990).

> Children and youth exposed to acute danger may require processing over a period of months (Pynoos and Nadar, 1988). And, if the traumatic stress is intense enough, it may leave permanent "psychic scars" (Terr, 1990). This is particularly the case for children made vulnerable because of disruptions in their primary relationships (most notably with parents). These

> effects include excessive sensitivity to stimuli associated with the trauma and diminished expectations for the future (Terr, 1990).
>
> But chronic danger imposes a requirement for *developmental* adjustment – *accommodations*. These are likely to include persistent Post Traumatic Stress Syndrome, alterations of personality, and major changes in patterns of behavior or articulation of ideological interpretations of the world that provide a framework for making sense of on going danger (Garbarino, Dubrow, Kostelny, and Pardo, 1992). This is particularly true when that danger comes from violent overthrow of day-to-day social reality, as is the case in war, communal violence, or chronic violent crime.

Adults are crucial resources for children attempting to cope with chronic danger and stress. Generations of studies focusing on the experience of children living in war zones testify to the importance of adult responses to danger as mediating factors in child response (Garbarino, Kostelny, and Dubrow, 1991). So long as adults take charge of themselves and present children with a role model of calm, positive determination, most children can cope with a great deal of chronic stress associated with community violence. They may indeed be traumatized by their experiences, but the adults around them will be able to serve as a resource and support the child in rehabilitative efforts.

However, once adults begin to deteriorate, to decompensate, to panic, children suffer. This is not surprising, given the importance of the images of adults contained in the child's social maps. Traumatized children need help

to recover from their experiences (Terr, 1990). Emotionally disabled or immobilized adults are unlikely to offer the children what they need. Such adults are inclined to engage in denial, to be emotionally inaccessible, and are prone to misinterpret the child's signals. Messages of safety are particularly important in establishing adults as sources of protection and authority for children living in conditions of threat and violence.

In Vygotsky's approach (1986), child development is fundamentally *social*: cognitive development proceeds at its best through the process of interactive teaching. He focuses on the Zone of Proximal Development: the difference between what the child can accomplish alone versus what the child can accomplish with the guidance of the teacher. How is this relevant to the child's ability to cope with trauma?

In the case of acute trauma (a single horrible incident that violates the normal reality of the child's world) the child needs help believing that "things are back to normal." This is a relatively easy teaching task, this therapy of reassurance. But the child who lives with chronic trauma (e.g., the problem of community violence) needs something more. This child needs to be taught how to redefine the world in moral and structural terms.

The child needs assistance in "processing" the existing world if that child is to avoid drawing social and/or psychologically pathogenic conclusions: "the world is a hostile and dangerous place," "adults have lost control of the world," "kill or be killed," "don't trust anyone," "my enemies are less than human." Here the role of the adult as teacher is crucial for the well being of the child and for

well being of the community in which that child is to be a citizen.

Many inner city children are experiencing the symptoms of Post-Traumatic Stress Disorder, symptoms which include sleep disturbances, day dreaming, recreating trauma in play, extreme startle responses, emotional numbing, diminished expectations for the future, and even biochemical changes in their brains that impair social and academic behavior. This trauma can produce significant psychological problems that interfere with learning and appropriate social behavior in school and that interfere with normal parent-child relationships.

Trauma and its consequences can also make them prime candidates for involvement in gangs, where the violent economy of the illicit drug trade offers a sense of belonging and solidarity as well as cash income for kids who have few pro-social alternatives for either. If these children do not develop a sense of confidence that adults are committed to providing a safe zone in the school their willingness and ability to take advantage of educational opportunities will decrease and this will adversely affect their future contributions to the nation's economic life in positive terms.

Based upon my work in the field and my understanding of the research and clinical experience of my colleagues, I have reached the conclusion that there are many similarities between the experiences of children growing up in war zones around the world and American children growing up amidst chronic community violence. These similarities hit home for me particularly in comparing the situation of children in refugee camps I have

visited in Thailand, Hong Kong, and the Middle East, and public housing projects in Chicago and other cities.

* In both the camps and the projects, there is a proliferation of weapons – a kind of "arms race" – which exacerbates the effects of conflict and violence. It is common for young people – particularly males – to be heavily armed and to be engaged in armed attacks and reprisals. Substantial numbers of "bystander" injuries are observed.

* In both the camps and the projects, representatives of "mainstream" society have only partial control over what happens. The international relief workers leave the camps at the end of the working day, and so do the social workers and educators in the public housing projects. Both the camps and the projects are under the control of the local gangs at night. Therefore, no action during the day can succeed unless it is acceptable to the gangs that rule the community at night. For example, there have been cases in public housing projects in Chicago in which local gangs have established curfews on their own initiative and in which gangs make the decision about whether or not someone who commits a crime against residents will be identified and punished.

* In both the camps and the projects, women – particularly mothers – are in a desperate situation. They are under enormous stress, often are the target of domestic violence, and have few economic or educational resources and prospects. Men play a marginal role in the enduring life of families – being absent for reasons that include participating in the fighting, fleeing to escape enemies, being injured or killed, and (particularly in the

case of the American public housing project), being imprisoned. Largely as a result, there is a major problem of maternal depression. Studies in both settings have reported 50% of the women being seriously depressed.

* In both the camps and the projects, one consequence of maternal depression is neglect of children. This connection is well established in research. This neglect leads to elevated levels of "accidental injuries" to children.

* In both the camps and the projects, children and youth have diminished prospects for the future. This lack of a positive future orientation produces depression, rage, and disregard for human life – their own and others.

One focus of international initiatives (such as the United Nations Convention on the Rights of the Child) is to create "zones of peace" for children, and generally to encourage combatants to institute and respect protected areas for children. Violence free zones in and around schools are a logical parallel relevant to the United States.

International action does bring change for families living in refugee camps, however. For example, the signing of a peace accord has meant that repatriation has come to the Khmer, and they are returning to Cambodia to take up a more genuine community life. However, without some comparable national effort in the United States to achieve reconciliation, social justice, and a major peacekeeping force in our cities, most of the families in America's urban war zones will remain there, and another generation of children will experience the trauma of chronic community violence. Therein lies one major

difference for children living in the world's refugee camps and children living in many of America's public housing projects. In war zones, there is hope of peace, repatriation, and the renewal of community life. In the case of community violence in America, the war never ends, peace never comes. In this demoralizing context the creation of school-based "gun free zones" is an important step with symbolic as well as practical implications for American children.

Our efforts to understand the impact of chronic community violence on children and youth around the world and in our own cities highlights several concerns – unmet medical needs, the corrosive effects of the co-experiencing of poverty and violence on personality and on academic achievement, etc. *But from my perspective, the most important of these is that the experience of trauma distorts the values of kids.* Unless we reach them with healing experiences and offer them a moral and political framework within which to process their experiences, *traumatized kids are likely to be drawn to groups and ideologies that legitimatize and reward their rage, their fear, and their hateful cynicism.* This is an environment in which gangs flourish and community institutions deteriorate.

4. CONCLUSION

Our work studying children exposed to chronic community violence from a comparative perspective and reviewing the research of others leads us to a series of themes. These themes help to explain why prohibition of guns within and in the immediate vicinity of schools is an essential element of a national agenda to reduce the level

of violence currently affecting children. The developmental and educational consequences of the growing gun culture among children and youth represent a clear and present danger to the United States and its citizens.

References

Bell, C., Preventive strategies for dealing with violence among Blacks. *Community Mental Health Journal*, 1987; 23:217-228.

Blyth, D. Simmons, R. and Bush, D., The transition into early adolescence: a longitudinal comparison of youth in two educational contexts. Sociology of Education, 1978; 51:149-162.

Davidson, J. and Smith, R., Traumatic experiences in psychiatric outpatients. *Journal of Traumatic Stress Studies*, Vol. 3, No. 3, pp. 459-475 (1990).

Garbarino, J. Dubrow, N. Kostelny, K. and Pardo, C., *Children in danger: coping with the consequences*, San Francisco: Jossey-Bass (1992).

Garbarino, J. Kostelny, K. and Dubrow, N., *No place to be a child: growing up in a war zone*, Lexington, MA: Lexington Books (1991).

Garbarino, J., Youth in dangerous environments: coping with the consequences. Health Hazards in Adolescence, New York: Hurrelmann (1990).

Garbarino, J., *Growing Up in A Socially Toxic Environment: Childhood in the 1990's*, San Francisco: Jossey-Bass).

Garbarino, J. Gutmann, E. and Seeley, J., *The Psychologically Battered Child*, San Francisco: Jossey-Bass (1986).

Koop, L. *Surgeon General's Workshop On Violence And Public Health: Source Book*, Washington, D.C.: National Center on Child Abuse and Neglect (1985).

Losel, F. and Bliesener, T., Resilience in Adolescence: A Study on the Generalizability of Protective Factors in *Health Hazards in Adolescence*, New York: Hurrellmann (1990).

Pynoos, R. and Nader, K., Psychological first aid and treatment approach to children exposed to community violence: research implications. *Journal of Traumatic Stress*, 1988; 1:445-473.

Richters, J. and Martinez, P. Children as victims of and witnesses to violence in a Washington, D.C. neighborhood. *The Psychological Effects of War and Violence on Children*, Hillside, NJ: Lawrence Erlbaum, pp. 243-280 (1993).

Terr, L. *Too scared to cry*, New York: Harper and Row (1990).

Vygotsky, L. *Thought and Language*, Cambridge, MA: MIT Press (1986).

I declare under penalty of perjury under the laws of the United States of America and the State of Illinois that the foregoing is true and correct of my personal knowledge and that this declaration is executed this 1st day of June, 1994, at Chicago, Illinois.

/s/
James Garbarino